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Attorneys for Defendant Walmart Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

MIRANDA GILLARD, an individual,

Plaintiff,

vs.

WALMART STORES INC., an Arkansas
Corporation; dba WAL-MART, and WAL-
MART STORES EAST INC., dba WAL-
MART;

Defendants.

NOTICE OF REMOVAL

Case No.: 1:22-cv-00133-DBP

Honorable Dustin B. Pead

NOTICE IS HEREBY GIVEN that Defendants in the above-entitled action, by and through their Counsel, hereby remove this action from the Second Judicial District Court, Weber County, State of Utah, to the United States District Court, District of Utah, Northern Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully states as follows:

1. Plaintiff Miranda Gillard, filed this civil action, case number 2209004134, against Defendants (“Walmart”). in the Second Judicial District Court, Weber County, State of Utah, on or about September 14, 2022.
2. Walmart was served on September 16, 2022.
3. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because Defendant has (1) satisfied the procedural requirements for removal, and (2) this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332.
4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Counsel for Plaintiff, and a copy is also being filed with the Clerk of the Court for the Second Judicial District Court.
5. With respect to diversity, the citizenship of the Parties is diverse in this action and is set forth below.
6. According to the Complaint, Plaintiff is and was at all relevant times a resident of Weber County, State of Utah. (Complaint ¶ 1, attached as Exhibit “A”).
7. Wal-Mart Stores, Inc., currently known as Walmart Inc., is a Delaware corporation with its principle place of business in Bentonville, Arkansas.
8. Wal-Mart Stores East, Inc., was previously a Delaware corporation with its principle place of business in Bentonville, Arkansas.

9. With respect to the amount in controversy, Plaintiff designated this action as “Tier Three” for purposes of Discovery under Utah Rule of Civil Procedure 26(c), demonstrating that Plaintiff is alleging damages in excess of \$300,000. (Complaint ¶ 5).
10. With respect to the amount in controversy, Plaintiff has alleged past and future medical care, past and future lost services, past and future lost wages and lost earning capacity, and general damages. (Complaint ¶ 22).
11. Based on the foregoing, Plaintiff’s alleged injuries and damages are sufficient to support a claim in excess of \$75,000, and thereby satisfy the requisite amount in controversy for removal of this case. *McPhail v. Deere & Comp.*, 529 F.3d 947, 956 (10th Cir. 2008) (“A complaint that presents a combination of facts and theories of recovery that may support a claim in excess of \$75,000 can support removal.”).
12. Due to the complete diversity of the Parties to this action, and the amount in controversy in excess of \$75,000, this case meets the requirements for removal to Federal Court pursuant to 28 U.S.C. § 1332.
13. Venue is proper in the United States District Court, District of Utah, Northern Division, because the lawsuit was filed in Utah County, State of Utah.
14. Defendant’s request for removal is properly made within 30-days of receipt of the Summons and Complaint by Defendant.

WHEREFORE, Defendant, Walmart Inc., respectfully removes this action from the Second Judicial District Court, Weber County, State of Utah, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully requests that this Court assume complete jurisdiction over this action

and exclude any further proceedings in State Court.

DATED this 6th day of October, 2022,

MORGAN, MINNOCK, RICE & MINER, L.C.

/s/ Mitchel T. Rice

Mitchel T. Rice

Andrea M. Keysar

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2022, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL** to be electronically filed and served via electronic filing to the following:

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SIEGFRIED AND JENSEN
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Second Judicial District Court
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/s/ Rachael Anderson
Rachael Anderson